

STATE OF MICHIGAN  
COURT OF APPEALS

---

MUSTAFA MISSILMANI, FATME  
MISSILMANI, and M&A PETROLEUM, INC.,

UNPUBLISHED  
March 10, 2005

Plaintiffs-Appellees,

v

CITY OF DETROIT and DETROIT WATER &  
SEWERAGE DEPARTMENT,

No. 249267  
Wayne Circuit Court  
LC No. 98-806573-CK

Defendants-Appellants.

---

Before: Hoekstra, P.J., and Cavanagh and Borrello, JJ.

MEMORANDUM.

Defendants appeal by leave granted an order to enforce a final judgment that included an award of “interest at the rate of 12% compounded annually.” We reverse and remand for calculation of interest under MCL 600.6013(8). This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Statutory interpretation is a question of law that this Court reviews de novo. The cardinal principle of statutory construction is that courts must give effect to legislative intent. If the Legislature's intent is clearly expressed, no further construction is permitted. Under such circumstances, a court is prohibited from imposing a “contrary judicial gloss” on the statute. [*Morales v Auto-Owners Ins Co (After Remand)*, 469 Mich 487, 490; 672 NW2d 849 (2003) (citations omitted).]

“Interest upon verdicts and judgments is purely statutory, and, being in derogation of the common law, cannot be extended beyond stated statutory regulation.” *Motyka v Detroit, GH & M Ry Co*, 260 Mich 396, 398; 244 NW 897 (1932). Amendments to the interest statute apply according to the terms specified in the statute. *Morales, supra* at 490 n 4 (applying the most recent amendments to MCL 600.6013 to a judgment entered before the amendments).

The complaint in this case was filed in 1998, after 1987 and before July 1, 2002. In March 2002, when the interest statute amendments took effect, defendants’ appeal to this Court had not been decided; even if it had been, decisions of this Court are reviewable by the Michigan Supreme Court. Thus, on July 1, 2002, there was not yet a “final, nonappealable judgment” in the case. Following *Morales, supra*, the statutory amendments are applicable to this case.

We reverse and remand so that the interest to be applied to the March 20, 2000, judgment may be recalculated using the formula in MCL 600.6013(8), as required by MCL 600.6013(6). We do not retain jurisdiction.

/s/ Joel P. Hoekstra

/s/ Mark J. Cavanagh

/s/ Stephen L. Borrello